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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) ITL.1709US (P17678)
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR</p> <p>on <u>May 19, 2008</u></p> <p>Signature </p> <p>Typed or printed name <u>Nancy Meshkoff</u></p>		Application Number 10/701,054 Filed November 3, 2003 First Named Inventor Louis A. Lippincott Art Unit 3714 Examiner Eric M. Thomas

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

applicant/inventor.

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

attorney or agent of record.

Registration number 28,994



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Registration number if acting under 37 CFR 1.34

May 19, 2008

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:

Louis A. Lippincott

§

Art Unit: 3714

Serial No.: 10/701,054

§

Examiner: Eric M. Thomas

Filed: November 3, 2003

§

Docket: ITL.1709US
P17678

For: Gaming Interface Techniques
for Media Centers

§

Assignee: Intel Corporation

§

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT IN SUPPORT OF PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

Claim 25, for examples, calls for providing at least one media center "to provide electronic game data for one game to at least two game players of said game who play the game at the same time in concert."

Thus, the idea is that two people are playing the same game at the same time. Nonetheless, "the game images for each of the players may be different in at least some respects." This is not taught in the cited reference.

In the cited reference to Stoel, all that happens is game software is loaded to computers in different hotel rooms. Each person in each hotel room then has a fully functioning game player to play the game that was paid for. The people in one room have no relationship to the people in the other room, do not play the same game at the same time, and have no interaction with those people.

Date of Deposit: May 19, 2008

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Nancy Meshkoff

Thus, there is no concept of playing the same game at the same time and yet having different screen displays.

None of the cited material suggests anything to the contrary. Column 8, lines 35-40, is explicit that once the software for the video game is downloaded, the game engine 58 (in one hotel room) acts essentially as "an ordinary, commercially available video game generator that processes received keystroke information and generates the video game audio and video signals." In other words, all the reference does is provide software to users on demand in different hotel rooms to play games. Users in more than one hotel room do not play the same game at the same time in concert or have game images that are different in some respects.

In the Advisory Action, the examiner takes the position that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from the prior art. With respect to claim 25, the claim limitation is the method limitation of providing at least one media center to provide electronic game data for one game to at least two game players of said game who play the game at the same time in concert. This is clearly a method limitation and not a recitation of the manner in which the claimed apparatus is intended to be employed. There is no claimed apparatus in a method claim. Thus, the argument set forth in the Advisory Action makes no sense and is inapplicable to claim 25.

Claim 30 calls for a media center to provide electronic game data for one game to at least two players of said game who play the game at the same time in concert. MPEP § 2173.05(g) says that there is nothing inherently wrong with defining some part of an invention in functional terms. Further, it states that "the functional limitation must be evaluated and considered, just like any other limitation of the claim, for what it fairly conveys to a person of ordinary skill in the pertinent art in the context in which it is used".

The examiner has simply ignored the limitations on this mistaken assumption that they relate to an intended use. They do not relate to an intended use. They define the characteristics that the media center must have. In other words, the media center must have those characteristics necessary to fulfill the functional limitations. See *In re Venezia*, 530 F.2d 956, 189 U.S.P.Q. 149 (C.C.P.A. 1976).

Therefore, reconsideration is respectfully requested.

Respectfully submitted,

Date: May 19, 2008



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